

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONSERVATION LAW FOUNDATION,
et al.,
Plaintiffs

v.

DONALD L. EVANS, et al.,
SECRETARY OF COMMERCE
Defendants

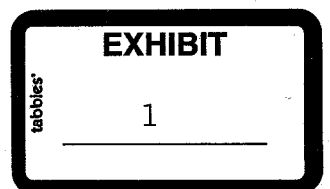
CIVIL ACTION NO. 00-1134 (GK)

DECLARATION OF PATRICIA A. KURKUL

I, PATRICIA A. KURKUL, declare as follows:

1. I am the Northeast Regional Administrator of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce ("NOAA Fisheries"), Gloucester, Massachusetts. In this capacity, I am responsible for the development of policy and the implementation of management programs for the living marine resources of the northeastern United States. I represent the Secretary of Commerce on the New England Fishery Management Council and in other regional activities. I supervise the personnel in the Region who are charged with the implementation of fishery management plans.

2. The purpose of this declaration is to provide the Court with information on what steps have been taken to comply with the Court's Order dated May 23, 2002, and subsequent Order dated December 3, 2002, as it pertains to the development and implementation of



Amendment 13 to the Northeast Multispecies Fishery Management Plan (Amendment 13).

Amendment 13

3. Amendment 13 was developed by the New England Fishery Management Council (“Council”) to end overfishing of all groundfish stocks and to rebuild all groundfish stocks that are overfished, and includes measures to minimize bycatch, minimize adverse effects on essential fish habitat (“EFH”), implement improved reporting and recordkeeping requirements, and to address other conservation and management issues.

4. Between April 4 and July 2, 2003, the Draft Environmental Impact Statement for the EFH components of Amendment 13 was made available for public review and comment (68 FR 16511). Shortly thereafter, on August 29, 2003, the Draft Supplemental Environmental Impact Statement, which analyzed the impacts of all of the measures under consideration in Amendment 13 was made available for public review and comment through October 15, 2003 (68 FR 52018).

5. At its meeting of November 4 through November 6, 2003, the Council approved Amendment 13 for submission to NOAA Fisheries.

6. On December 29, 2003, a Notice of Availability for Amendment 13, as submitted by the Council for review by the Secretary of Commerce, was published in the Federal Register (68 FR 74939), pursuant to 16 U.S.C. § 1854(a)(1)(B).

7. On January 21, 2004, NOAA Fisheries delivered the proposed rule for Amendment 13 to the Office of the Federal Register. NOAA Fisheries was informed by the Office the Federal Register that the proposed rule will be filed for public inspection on January 27, 2004, and will publish in the Federal Register on January 29, 2004. The comment period on the proposed rule will end on February 27, 2004. See generally 16 U.S.C. § 1854(b).

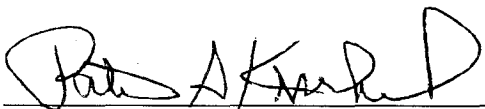
8. NOAA Fisheries anticipates filing the Final Supplemental Environmental Impact

Statement with the Environmental Protection Agency on or about January 30, 2004.

9. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act"), NOAA Fisheries must promulgate final regulations within 30 days after the end of the comment period on the proposed rule. See 16 U.S.C. § 1854(b)(3). Furthermore, the Magnuson-Stevens Act requires the Secretary to approve, disapprove, or partially approve Amendment 13 within 30 days of the end of the comment period on the Amendment. See id. at § 1854(a)(3). NOAA Fisheries fully expects that the schedule followed thus far would have permitted implementation of Amendment 13 no later than May 1, 2004, absent changes in law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Gloucester, Massachusetts, on this 23rd day of January, 2004.

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul", is written over a horizontal line.

Patricia A. Kurkul

Regional Administrator, Northeast Region, NMFS